IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:09-cr-164

UNITED STATES OF AMERICA v.)	
)	
	<u> </u>	ORDER
)	
ROBERT A. GARMON)	
)	

THIS MATTER is before the Court upon the defendant's Motion to Dismiss, to which the government does not object. (Doc. No. 40). The Court's previous Judgment (Doc. No. 29) was reversed by the United States Court of Appeals for the Fourth Circuit (Doc. No. 38).

For the reasons stated in the defendant's motion, the Court finds good cause to dismiss the indictment without prejudice pursuant to <u>United States v. Simmons</u>, 649 F.3d 237 (4th Cir. 2011).

IT IS, THEREFORE, ORDERED that the Indictment (Doc. No. 1) is DISMISSED without prejudice.

Signed: November 23, 2011

Robert J. Conrad, Jr.

Chief United States District Judge